

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIFER S. FISCHMAN,

Plaintiff,

-against-

18 CIVIL 8188 (JMF)

JUDGMENT

MITSUBISHI CHEMICAL HOLDINGS
AMERICA, INC. et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated July 26, 2023, Defendants' motion for summary judgment must be and is GRANTED - in the case of Fischman's NYCHRL claims, without prejudice to refiling them in state court. Fischman's motions in limine, see ECF No. 132, are denied as moot. One final housekeeping matter remains. The Court previously deferred judgment on Defendants' motion for attorney's fees as a sanction for the allegedly forged Note produced by Fischman "until after summary judgment or trial, when the record is likely to be better developed on whether the Note is a forgery and the significance, if any, of that fact." Fischman v. Mitsubishi Chem. Holdings Am., Inc., No. 18-CV-8188 (JMF), 2022 WL 3646205, at *2 (S.D.N.Y. Aug. 24, 2022). Based on its review of the record, the Court certainly harbors doubts about the authenticity of the Note. But the Court also harbors doubts about whether any sanction would be appropriate. As the Court previously noted, "[a]t most, Defendants allege that Fischman fabricated a single document and lied about doing so in her deposition. Moreover, the document is far from 'the linchpin' of Fischman's case." Id. (citation omitted). The Opinion and Order has confirmed that the Note is far from the linchpin of Fischman's case. Indeed, the Court

was able to grant summary judgment without resolving whether the Note was authentic. That said, if Defendants wish to move for sanctions, the parties shall confer and propose an appropriate briefing schedule within two weeks of the date of the Opinion and Order. Judgment is entered in Defendants' favor; accordingly, the case is closed.

Dated: New York, New York

July 26, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk